

Is the ConCom Trying to Close Duxbury Beach?

By JASON WOLFSON

If they have their way, the Duxbury Conservation Commission will succeed in closing Duxbury Beach!

With the help of the Massachusetts Department of Environmental Protection, the Conservation Commission is proposing severe limitations on the use of Duxbury Beach for the future. Once again, their tool is the Piping Plover. Also, they are seeking to add another species of bird, the Least Tern, to the list of protected species. Note that this bird is not endangered or threatened in Massachusetts, however, the ConCom has seen fit to include it in an effort to close more territory for longer periods of time.

Earlier this year, the Duxbury Beach Reservation, the owners of the Duxbury Beach, sought to extend the current "Orders of Condition". These "Orders" describe the manner in which dune maintenance and construction, road maintenance and the construction of experimental habitat areas for endangered species are undertaken by the Reservation. Town Counsel, in an opinion letter to the ConCom *advised against* opening the "Orders" of Condition. However, instead of extending the "Orders", as had been done in

the past, the members of the Conservation Commission *voted unanimously* to open the "Orders of Condition" that the beach operates under.

According to the Department of Environmental Protection regulations which authorize action by the ConCom, the ConCom can

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deny a request for an extension of an Order of Conditions only in limited circumstances. In the case of Duxbury Beach, the only one that might fit is "where new information, not available at the time the Order was issued, has become available and indicates that the Order is not adequate to protect the interests identified in [the Wetlands Protection Act]." 310 C.M.R. 10.05(8)(b). The ConCom has not explained or even stated what conditions have changed since the orders were last extended that would result in their refusal to extend them again.

Among the new restrictions that the ConCom insists are necessary are the follow-

ing:

Kite flying is now banned from May 1st through August 31st. No reason has been stated for the ban.

A 200 yard long area, parallel to the beach, from the bay to the ocean to be cordoned off for each Plover nest. This would close the beach

and the road to "non-essential" vehicles. (Note: Under U.S. Fish and Wildlife guidelines, plover nests should be protected by a 50 meter radius area around a nest, *NOT* a 200 yard area)

Addition of the Least Tern and a 200 yard long area, parallel to the beach, from the bay to the ocean to be cordoned off for each Least Tern nest. These species have more nests, thus more area of the beach closed for a longer period of time. Just one nest within 200 yards of the first crossover and the entire beach is closed. And these birds are *NOT* listed as threatened or endangered under Massachusetts Law.

The beach is to remain

closed at the second crossover south at 8pm, regardless of the presence of any of the above named species. Again, no reason is giving for this restriction.

In 1991 the DBR started the Piping Plover monitoring program. In the 10 years since, according to Al Vautrinot, a director and member of the DBR Technical Committee, there has not been one documented "take" of a Piping Plover due to humans. Last year the Duxbury Beach Reservation spent nearly \$100,000 monitoring and protecting Piping Plovers.

In a typical year on Duxbury Beach, there are 10-12 pairs of Plovers that lay 4 eggs each and fledge 1.5 per nest. Therefore, from 44 or so potential new Plovers, only 16 survive long enough to fly. The remaining 28 or so are "predated" or die by some other means. Extrapolated out over 10 years, that's somewhere around 280 Plovers succumbing to natural causes.

In June, 2001, Duxbury Beach was closed due to emergency circumstances: a woman was missing and a search and rescue mission was conducted by local and state police, coast guard and the harbormaster. During the rescue operation, all persons, including "Plover monitors"

were removed from the beach. Subsequently, a Plover was found dead, presumably killed by emergency vehicles. Despite the long history of conservation efforts by the DBR, the Mass DEP along with the Audubon Society jumped on this opportunity to force severe restrictions on the use of Duxbury Beach, leading to the dog restrictions and the 8pm closures, among others.

Now, our own ConCom is seizing the opportunity to further restrict access to the beach and continue on with DEP and Audubon's goal of completely closing Duxbury Beach. Their stated reason is: there *COULD* be another "take" of a Plover by a human if the beach isn't closed.

It's time to stop the insanity. For the 10 years that Plovers have been actively monitored on Duxbury Beach, Plovers and people have coexisted with little or no problem. If you enjoy Duxbury Beach and consider these restrictions as ridiculous as I do, pick up the phone and call the selectmen's office. It's time for us to let our selectmen know that the ConCom is out of control.

For more information and contact info, visit www.save-duxburybeach.org

Jason Wolfson is a member of the Duxbury Beach Reservation.